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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: NICHOLAS J. FUENTES

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14

15 Wednesday, February 16, 2022

16

17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 2:11 p.m.

21 Present: Representative Kinzinger.

1 Appearances:

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3 For the SELECT COMMITTEE TO INVESTIGATE

4 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

5

6 [REDACTED] STAFF ASSOCIATE

7 [REDACTED] PROFESSIONAL STAFF MEMBER

8 [REDACTED] PROFESSIONAL STAFF MEMBER

9 [REDACTED] INVESTIGATIVE COUNSEL

10 [REDACTED] PROFESSIONAL STAFF MEMBER

11 [REDACTED] SENIOR COUNSEL & SENIOR ADVISOR

12 [REDACTED], INVESTIGATIVE COUNSEL

13 [REDACTED] INVESTIGATIVE COUNSEL

14 [REDACTED] SENIOR TECHNICAL ADVISOR

15 [REDACTED] INVESTIGATIVE COUNSEL

16

17 For the WITNESS:

18

19 THOMAS ANTHONY DURKIN, ESQ.

20 JULIA DRATEL, PARALEGAL

21 NICHOLAS ATHENSON, LAW CLERK

22 Durkin & Roberts

23 The Rookery Building

24 209 S. LaSalle St., Suite 950

25 Chicago, IL 60604

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2 [REDACTED] We'll go on the record at 2:10 p.m. eastern.

3 Mr. Durkin. Let me ask this. I just got this voice message that said this meeting
4 is being recorded, which is fine with us. Does that mean we will get a copy?

5 [REDACTED] Yes, and you'll get a copy of the transcript.

6 Mr. Durkin. Okay. But, that way, Julia won't have to kill herself taking
7 every -- dot every i or cross every t, right?

8 [REDACTED] That's right.

9 Mr. Durkin. Okay.

10 [REDACTED] Okay. Thanks, Tom.

11 Good afternoon. This is the deposition of Nicholas Fuentes, conducted by the
12 House Select Committee to Investigate the January 6th Attack on the United States
13 Capitol pursuant to House Resolution 503.

14 This will be a staff-led deposition, though members may choose to ask questions.

15 At this time, I'd ask the witness to please state your full name and spell your last
16 name for the record.

17 The Witness. Okay. Nicholas J. Fuentes. And my last name is F-u-e-n-t-e-s.

18 [REDACTED] Thank you, Mr. Fuentes. Is the "J" an initial or is it J-a-y?

19 The Witness. That's my middle initial.

20 [REDACTED] Great. And what's your middle name?

21 The Witness. Joseph.

22 [REDACTED] Thank you.

23 Mr. Fuentes, my name is [REDACTED] and I'm an investigative counsel with
24 the select committee.

25 With me from the select committee staff are [REDACTED] senior counsel and

1 senior advisor; [REDACTED] senior technical advisor; [REDACTED] investigative
 2 counsel; [REDACTED] professional staff member; [REDACTED] investigative counsel;
 3 [REDACTED], investigative counsel; [REDACTED] professional staff member. And I
 4 think that's everyone. I apologize if I left anyone off.

5 In addition, there are the following members in attendance: Mr. Adam
 6 Kinzinger.

7 Under House deposition rules, neither committee members nor staff may discuss
 8 the substance of the testimony today unless the committee approves release. You and
 9 your counsel will have the opportunity to review the transcript.

10 Note that, under House rules, you may have your attorney present but counsel for
 11 other individuals or attorneys from other government agencies may not be and therefore
 12 are not present.

13 I would like to note for the record that what has been previously marked as
 14 exhibit 1 is the select committee's January 19th, 2022, subpoena for Mr. Nicholas J.
 15 Fuentes. The House deposition rules are included in this exhibit.

16 At this time, could counsel please state their name for the record?

17 Mr. Durkin. Tom Durkin for the witness.

18 [REDACTED] Thank you, Mr. Durkin. I believe you have two colleagues
 19 attending with you?

20 Mr. Durkin. Yes.

21 [REDACTED] Can you please introduce them as well?

22 Mr. Durkin. My paralegal, Julia Dratel, is on the -- I don't know if you can see her
 23 or not. I can't. And my law clerk, Nicholas Athenson, is also on.

24 [REDACTED] Great. Thanks, Mr. Durkin.

25 There is an official reporter transcribing the record of this deposition. Please

1 wait until each question is completed before you begin your response, and we'll try to
2 wait until your response is complete before we ask our next question.

3 The stenographer can't record nonverbal responses such as shaking your head, so
4 it's important that you answer each question with an audible, verbal response. Do you
5 understand?

6 The Witness. Yes.

7 [REDACTED] Thank you.

8 We ask that you provide complete answers based on the best of your recollection.
9 If the question is not clear, please ask for clarification, and if you don't know the answer,
10 please simply say so.

11 You may only refuse to answer a question to preserve a privilege that's recognized
12 by the select committee. If you refuse to answer a question based off of a privilege,
13 staff may either proceed with the deposition or seek a ruling from the chairman on the
14 objection. If the chairman overrules such an objection, you're required to answer the
15 question.

16 I also want to remind you that it's unlawful to deliberately provide false
17 information to Congress. Providing false information could result in criminal penalties
18 for perjury and/or providing false statements, including under 18 U.S.C. section 1001,
19 which makes it illegal to provide a false statement in a congressional investigation.

20 That being said, to be clear, this is a congressional investigation, not a criminal
21 investigation. This proceeding is separate and distinct from any current criminal
22 proceeding by the United States Department of Justice.

23 Do you have any questions about what I just said, Mr. Fuentes?

24 The Witness. No.

25 [REDACTED] So, logistically, please let us know if you need any breaks. I just

1 simply ask that, if you request a break, you answer the question that's pending before we
2 break.

3 If you don't understand a question, please simply ask me to restate it or clarify it.
4 We aren't trying to trick you today, so if there's a question you don't understand, I'm
5 more than happy to clarify it.

6 Finally, I'll note that I'll be leading our conversation today but occasionally other
7 staffers or even members may join in, and as members join, I will announce that they've
8 joined the meeting.

9 So, because this deposition is under oath, would you please raise your right hand
10 to be sworn by the reporter?

11 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
12 that the testimony you are about to give will be the truth, the whole truth, and nothing
13 but the truth?

14 The Witness. Yes.

15 [REDACTED] Thanks, Mr. Fuentes.

16 [REDACTED], could we please pull up exhibit 1?

17 This is the subpoena that was issued by the select committee to Mr. Fuentes on
18 January 19th, 2022. I'll note that the exhibit contains the subpoena itself, a cover letter
19 from the chairman, a document schedule with production instructions, and a copy of the
20 House rules and regulations regarding conducting depositions.

21 EXAMINATION

22 BY [REDACTED]

23 Q Mr. Fuentes, could you please confirm that this subpoena is addressed to
24 you?

25 A Yes.

1 Q And you understand that you're appearing here today pursuant to this
2 subpoena, correct?

3 A Yes.

4 Q Thank you.

5 We can take the exhibit down.

6 So, Mr. Fuentes, I'd like to start with some really basic information to learn a little
7 bit more about you. Can you tell me a little bit about yourself and where you grew up?

8 A Sure. I grew up in La Grange Park, Illinois. I've lived there my whole life.
9 And now I'm a livestreamer for a living.

10 Q Great. And are you still in La Grange, Illinois?

11 A No. I am in Berwyn, Illinois, now.

12 Q Great.

13 Can you tell me about your educational history?

14 A Yes. I went to Boston University for two semesters in 2016 and '17, and
15 then I got an associate's degree from College of DuPage. I believe I completed that in
16 2019.

17 Q Great. Thank you.

18 Have you ever served in the military?

19 A No.

20 Q Have you ever been employed by an office of government?

21 A No.

22 Q Have you ever held elected or appointed office in government?

23 A No.

24 Q Have you ever received grant money or a contract from an office of
25 government?

1 A No.

2 Mr. Durkin. [REDACTED], could I interject and just ask a point of procedure?

3 As you know from our correspondence in response to your subpoena, under my
4 advice he's going to assert the Fifth Amendment privilege against self-incrimination.

5 If I were there in person -- he has a sheet that he will read from -- I would simply
6 point to that and, you know, nod my head or something. I don't want to interfere, but
7 I'm going to advise him to answer that question with what I advised him to say. And I
8 don't know you want to handle that.

9 I think, for the sake of time, you know, if we have an -- I would recommend we
10 have an understanding that if I think there's a question he should answer, I would say so,
11 but, otherwise, from this point on, I believe, based on where your questions sound like
12 they're going to go, I'm going to recommend he take the Fifth Amendment.

13 [REDACTED] Okay. Well, you know, we can -- my plan is to proceed with the
14 questions, and if you or Mr. Fuentes have objections, we can take a pause and you can
15 either advise him to raise an objection at that time or Mr. Fuentes can raise the objection
16 himself if he'd like to.

17 And then I would ask that you explain -- I don't know what the script says, but we
18 do request an explanation for why the privilege is being raised.

19 Does that sound okay, Mr. Durkin?

20 Mr. Durkin. Well, but -- no, that doesn't. That is disturbing to me. I already
21 told you why he's -- why I'm recommending that he take the Fifth Amendment. I've
22 provided you that basis in the correspondence. I don't -- I mean, is my correspondence
23 part of the exhibits that you have?

24 [REDACTED] It is, yes.

25 Mr. Durkin. I don't think it's necessary for me to restate it if it is in the record.

1 But, as you know, he has been told he is a subject and possibly a target of a Federal
2 criminal investigation being conducted by the United States Attorney's Office for the
3 District of Columbia. They confirmed that same status, as you know, quite recently,
4 so -- and, as I've told you, I think that's unfortunate, because, otherwise, he would be
5 willing to testify.

6 But the questions -- I just think it's an impossible situation that he's in, in light of
7 the pending grand jury investigation. So I don't want any of the committee to think
8 we're trying to be disrespectful or anything else. You know, we have respect for the
9 committee. But that's my advice.

10 So, I mean, I don't consider taking a privilege to be an objection, you know. He
11 has --

12 [REDACTED] Absolutely. And I think you very helpfully just laid out the basis
13 for situations in which Mr. Fuentes might raise a privilege in response to a question. So
14 that was helpful, and thank you for doing that.

15 Mr. Durkin. Okay.

16 [REDACTED] And, just to clarify, I had asked if Mr. Fuentes had ever received
17 grant money or a contract from an office of government. Are you raising a privilege in
18 response to that question?

19 Mr. Durkin. No, I'll let him answer that. Next -- but -- go ahead. Next
20 question.

21 [REDACTED] Great.

22 And I believe the answer was no, correct, Mr. Fuentes?

23 Mr. Durkin. I think he already -- he already answered it no, I believe, right?

24 [REDACTED] I just want to confirm.

25 The Witness. Correct.

1 [REDACTED] Okay. Great.

2 BY [REDACTED]

3 Q Mr. Fuentes, are you currently employed?

4 A Uh --

5 Mr. Durkin. Nick.

6 The Witness. Upon the advice of counsel and in reliance upon the Fifth
7 Amendment to the Constitution of the United States, I most respectfully refuse to answer
8 that question on the grounds that it might tend to incriminate me.

9 BY [REDACTED]

10 Q Okay. Mr. Fuentes, what's your source of income?

11 A Upon the advice of counsel and in reliance upon the Fifth Amendment to the
12 Constitution of the United States, I most respectfully refuse to answer that question on
13 the grounds that it might tend to incriminate me.

14 Q Mr. Fuentes, do you have a role in the America First Foundation?

15 A Upon the advice of counsel and in reliance upon the Fifth Amendment to the
16 Constitution of the United States, I most respectfully refuse to answer that question on
17 the grounds that it might tend to incriminate me.

18 Q Mr. Fuentes and Mr. Durkin, I have a series of questions related to
19 Mr. Fuentes' involvement with the America First Foundation. Is it your intention to
20 assert the Fifth Amendment in response to any question the committee might have about
21 your involvement with the America First Foundation?

22 Mr. Durkin. Yes.

23 The Witness. Yes.

24 Mr. Durkin. Yes.

25 BY [REDACTED]

1 Q Okay.

2 Mr. Fuentes, you run the America First Political Action Conference, correct?

3 A Upon the advice of counsel and in reliance upon the Fifth Amendment to the
4 Constitution of the United States, I most respectfully refuse to answer that question on
5 the grounds that it might tend to incriminate me.

6 Q Mr. Fuentes, when was the first conference held?

7 A Upon the advice of counsel and in reliance upon the Fifth Amendment to the
8 Constitution of the United States, I most respectfully refuse to answer that question on
9 the grounds that it might tend to incriminate me.

10 Q Mr. Fuentes, I have a series of questions related to your involvement with
11 the America First Political Action Conference. Is it your intention to assert the Fifth
12 Amendment in response to every question the committee might have related to that
13 conference?

14 A Yes.

15 Q Mr. Fuentes, do you hold positions of leadership in any other organizations
16 or corporate entities?

17 A Upon the advice of counsel and in reliance upon the Fifth Amendment to the
18 Constitution of the United States, I most respectfully refuse to answer that question on
19 the grounds that it might tend to incriminate me.

20 Q Mr. Fuentes, is there any kind of membership structure or dues-paying
21 structure for people who say that they're affiliated with the America First movement?

22 A Upon the advice of counsel and in reliance upon the Fifth Amendment to the
23 Constitution of the United States, I most respectfully refuse to answer that question on
24 the grounds that it might tend to incriminate me.

25 Q Thank you, Mr. Fuentes.

1 [REDACTED] Mr. Durkin, if I might suggest something for the sake of
2 expediency. I don't think it's necessary for Mr. Fuentes to state his full statement each
3 time. If he wants to say "Fifth Amendment," that should be sufficient.

4 Mr. Durkin. That's fine.

5 [REDACTED] We'll -- with the understanding that that is shorthand for his full
6 statement.

7 Mr. Durkin. That's fine.

8 BY [REDACTED]

9 Q Mr. Fuentes, do you maintain a membership list?

10 A Fifth Amendment.

11 Q Mr. Fuentes, I have a series of questions related to the America First
12 movement and the Groypers and any sorts of membership structures or people who
13 might be affiliated with those movements. Is it your intention to assert the Fifth
14 Amendment in response to all questions the committee has related to those subjects?

15 A Yes.

16 Q Mr. Fuentes, did you hold any position in the Stop the Steal organization?

17 A Fifth Amendment.

18 Q Mr. Fuentes, can you describe your affiliation with the Stop the Steal
19 organization or the individuals leading it?

20 A Fifth Amendment.

21 Q Okay.

22 Mr. Fuentes, what social media platforms do you currently use?

23 A Fifth Amendment.

24 Q Mr. Fuentes, what platforms have you previously used?

25 A Fifth Amendment.

1 Q Mr. Fuentes, I have a series of questions related to your use of social media,
2 setting the issue of livestreaming aside. Do you have -- is it your intention to assert the
3 Fifth Amendment in response to all questions the committee has related to your social
4 media usage?

5 A Yes.

6 Q Thank you.

7 Mr. Fuentes, I understand from a letter from your attorney that you claim to be on
8 the no-fly list. What are the issues that you've encountered while traveling?

9 A Fifth Amendment.

10 Q Okay. Mr. Fuentes, when did those issues start?

11 A Fifth Amendment.

12 Q Mr. Fuentes, I have a series of questions related to your assertion that you're
13 on the no-fly list. Is it your intention to assert the Fifth Amendment in response to all
14 questions the committee has on that subject?

15 A Yes.

16 Q Thank you.

17 Mr. Fuentes, I'd like to move into your use of livestreaming. Which livestreaming
18 platforms have you used?

19 A Fifth Amendment.

20 Q Mr. Fuentes, are you currently livestreaming?

21 A Fifth Amendment.

22 Q Mr. Fuentes, have you ever had your own proprietary livestreaming
23 software?

24 A Fifth Amendment.

25 Q How would you describe the content of what you livestream?

1 A Fifth Amendment.

2 Q Do you save your livestreams?

3 A Fifth Amendment.

4 Q Do you maintain an archive of all of your livestreams?

5 A Fifth Amendment.

6 [REDACTED] Mr. Durkin, I understand that Mr. Fuentes maintains at least
7 some of his videos on his website, nicholasjfuentes.com. It appears to be publicly
8 available, but it's behind a paywall.

9 I'd like to discuss a way for the committee to get the videos that are available on
10 that website that are behind the paywall. Is that something that Mr. Fuentes would be
11 able to transmit to the committee?

12 Mr. Durkin. I'd like to discuss it with him. I'm not aware of that, but, you know,
13 it -- that may be.

14 [REDACTED] Okay. Well --

15 Mr. Durkin. I mean, I'm not quite sure I understand. Are you saying that you
16 want us to save you the cost of it? I mean, is it not something you can get to with
17 a -- I'm not sure what the question is.

18 [REDACTED] I'm asking whether you can produce the videos that Mr. Fuentes
19 has made available to people who pay on his website.

20 Mr. Durkin. You don't want to pay. Is that it? I'm just joking. That's a joke.

21 Let me talk to him. We can -- I don't see a problem with that, but I'd like to
22 discuss it with him.

23 [REDACTED] All right. Thank you. And, you know, to the extent that those
24 actual videos fall into one of the items within the production schedule, he's required to
25 produce them pursuant to the subpoena. But we can discuss that after the deposition.

1 Mr. Durkin. Okay.

2

BY [REDACTED]

3 Q Mr. Fuentes, do you make money from livestreaming?

4 A Fifth Amendment.

5 Q Mr. Fuentes, I'd like to return to one of my questions. Are you currently
6 livestreaming this deposition?

7 A Tom, can I answer this?

8 Mr. Durkin. Not without talking to me.

9 Can I talk to him, [REDACTED]?

10 [REDACTED] Sure. If you want to mute and stop your video, we can go off
11 the record briefly, and you can call each other or communicate however you'd like.

12 All right. We'll go off the record at 2:31 p.m.

13 [Discussion off the record.]

14 [REDACTED] Let's go on the record at 2:32 p.m.

15 Mr. Fuentes, I had asked if you're currently livestreaming this deposition.

16 Mr. Durkin. And I'll represent to you that he is not.

17 [REDACTED] Okay. Thank you.

18 Mr. Durkin, I'd like to understand the breadth of Mr. Fuentes' assertion of the
19 Fifth Amendment. For example, I asked if he currently livestreams as a general matter.
20 I'm not sure I understand why that would tend to incriminate him.

21 Mr. Durkin. I think it could be a piece of evidence that could be used in the
22 building block or the chain theory, that it's an admission that he does certain things,
23 which would be a step towards some other piece of proof.

24 [REDACTED] Mr. Durkin, I'm not sure, if Mr. Fuentes' livestreams are available
25 online, why it would tend to incriminate him to answer the question of which

1 livestreaming platforms does he use or has he used.

2 Mr. Durkin. Well, we've had this conversation, [REDACTED]

3 One, frequently, government attorneys take the position that answering any
4 question then constitutes a waiver, any substantive question. And I think those are
5 substantive questions.

6 I don't -- I'll simply stand on my advice to him. I think it's a -- I don't want there
7 to be a waiver, and I don't want there to be -- I don't want there to be any suggestion of a
8 waiver.

9 [REDACTED] Is there a time period over which you're asserting Fifth
10 Amendment privileges?

11 Mr. Durkin. I'm not sure I understand that question.

12 [REDACTED] If I asked about Mr. Fuentes' activities in early 2020 or prior to
13 that, is it your assertion that even answering those questions would tend to incriminate
14 him?

15 Mr. Durkin. I think it's certainly feasible it could be. It's my understanding from
16 at least some charges that have already been brought that the government is
17 investigating and bringing charges against people for conspiracy that begins, you know,
18 well before some of those dates. So, I mean, yes, that would still be my advice.

19 [REDACTED] Okay. We'll move on with the questions.

20 BY [REDACTED]

21 Q Mr. Fuentes, is livestreaming your primary source of income?

22 A Fifth Amendment.

23 Q Can you give us an estimate of how much you make?

24 A Fifth Amendment.

25 Q Mr. Fuentes, did you livestream on January 6th?

1 A Fifth Amendment.

2 Q Did you make money off of those livestreams?

3 A Fifth Amendment.

4 Q Mr. Fuentes, where do you currently bank?

5 A Fifth Amendment.

6 Q Have you ever been removed from a bank?

7 A Fifth Amendment.

8 [REDACTED] Well, Mr. Durkin, on that note, you have provided that
9 information, at least some of it, in a letter provided to the committee. So I don't see
10 why Mr. Fuentes would be prevented from answering that. You noted that --

11 Mr. Durkin. Well, the document --

12 [REDACTED] -- the Bank of America credit cards were canceled, correct?

13 Mr. Durkin. I've already given you that answer. I mean, the committee has
14 that information. So I don't --

15 [REDACTED] I guess I'm not understanding the scope of Mr. Fuentes'
16 assertions if you've provided some information in a letter and he's raising the Fifth
17 Amendment now in response to a similar question.

18 Mr. Durkin. What was the question again?

19 [REDACTED] Has he ever been removed from a bank or has his account ever
20 been removed from a bank?

21 Mr. Durkin. Well, I think I told you in the letter that he received word that two
22 credit cards at the Bank of America were -- two credit card accounts were removed or
23 canceled or whatever you want to say, whatever I said in the letter, and that he
24 understands that they are also going to cancel the account. I don't think I said that the
25 account had been canceled.

1 [REDACTED] Okay. So his account has not yet been canceled, but his
2 understanding is that it will be?

3 Mr. Durkin. That's what it was at the time I wrote the letter. I haven't asked
4 him about it since, but -- is that a correct understanding, Nick?

5 The Witness. So am I permitted to explain here on this one?

6 Mr. Durkin. Well -- I mean, I'm certainly willing to provide that information to
7 the committee. I just don't know that I want him to answer the question, [REDACTED]

8 [REDACTED] Okay. We can follow up, and maybe you can provide that
9 information in writing?

10 Mr. Durkin. Yes.

11

BY [REDACTED]

12 Q Mr. Fuentes, where did you bank from the period of September 2020
13 through the end of January 2021?

14 A Fifth Amendment.

15 Q Does the America First Foundation have a master bank account as an
16 organization?

17 A Fifth Amendment.

18 Q Who has control over that bank account, if it exists?

19 A Fifth Amendment.

20 Q Mr. Fuentes, is the website nicholasjfuentes yours, nicholasjfuentes.com?

21 A Fifth Amendment.

22 Q You sell merchandise that has the America First branding or the AF logo on
23 your website. Are you the one who runs those sales?

24 A Fifth Amendment.

25 Q Do you make a profit from those sales?

1 A Fifth Amendment.

2 Q Do you maintain any other online stores?

3 A Fifth Amendment.

4 Q Mr. Fuentes, what payment processors do you currently use?

5 A Fifth Amendment.

6 Q Have you been removed from any payment processors?

7 A Fifth Amendment.

8 Q Mr. Fuentes, did you fundraise for the America First Foundation or any other
9 organization that you have a leadership role in in the period prior to the 2020 election?

10 A Fifth Amendment.

11 Q Did you fundraise for the Trump campaign?

12 A Fifth Amendment.

13 Q Did you fundraise for any grassroots efforts to elect Trump?

14 A Fifth Amendment.

15 Q Did you fundraise for any other candidates for the 2020 election?

16 A Fifth Amendment.

17 Q Mr. Fuentes, I have the same questions for the period between the election
18 and January 6th, did you fundraise for any of those organizations or campaigns or
19 candidates. Is it your intention to assert the Fifth Amendment in response to those
20 questions?

21 A Yes.

22 Q Mr. Fuentes, have you ever received donations in kind?

23 A Fifth Amendment.

24 Q Have you ever used the events of January 6th in any of your fundraising
25 pitches?

1 A Fifth Amendment.

2 Q Do you currently have a person in charge of maintaining the America First
3 Foundation finances or the finances of any other organization you have a leadership role
4 in?

5 A Fifth Amendment.

6 Q Mr. Fuentes, I'd just like to return to the question I raised earlier. Are you
7 recording this deposition in any way?

8 The Witness. Tom, can I answer this one?

9 Mr. Durkin. Not without speaking to me.

10 The Witness. All right.

11 Then Fifth Amendment.

12 Mr. Durkin. Well, I don't know that we need to take the Fifth Amendment. Can
13 we just speak briefly, [REDACTED]?

14 [REDACTED] Yes. We'll go off the record at 2:40 p.m.

15 [Discussion off the record.]

16 [REDACTED] We'll go on the record at 2:41 p.m.

17 Mr. Durkin. [REDACTED] I'll represent to you that he is not otherwise recording
18 this.

19 [REDACTED] And has not since the beginning of the deposition?

20 Mr. Durkin. Yes. Yes, that's true.

21 [REDACTED] Great. Thank you.

22 BY [REDACTED]

23 Q Mr. Fuentes, in December 2020, a French computer programmer transferred
24 13.5 bitcoin, which was at the time worth around \$250,000, to you and another about
25 \$25,000 worth of bitcoin to Patrick Casey. Did you know the donor?

1 A Fifth Amendment.

2 [REDACTED] Mr. Durkin, you sent the committee a letter on February 2nd with
3 an attached letter from the D.C. U.S. Attorney's Office that was sent to Bank of America
4 requesting that they unfreeze Mr. Fuentes' accounts concerning the bitcoin transfer.
5 So, in light of that letter, I'm struggling to understand why Mr. Fuentes would raise the
6 Fifth Amendment in response to questions about the bitcoin transfer.

7 Mr. Durkin. Well, I'd suggest you direct that question to the U.S. Attorney's
8 Office. I would've -- I would've thought, in light of that, we might have gotten word that
9 he is no longer a subject of the investigation, but that's not what they said.

10 So I don't know why they continue to think he's a subject, but that's -- I can't
11 answer that for you. I don't know. But that apparently -- my only guess is that freezing
12 an asset is one thing; indicting somebody is another. And that would be my guess.

13 [REDACTED] Okay.

14

BY [REDACTED]

15 Q Mr. Fuentes, to your knowledge, did Patrick Casey know the donor?

16 A Fifth Amendment.

17 Q Did you read the donor's last note that he left?

18 A Fifth Amendment.

19 Q He offered some reasons as to why he was donating the money. What did
20 you think of it?

21 A Fifth Amendment.

22 Q Did you know any of the other recipients of the man's bitcoin donation?

23 A Fifth Amendment.

24 Q Did the donor convey particular wishes as to how the money would be spent
25 to you?

1 A Fifth Amendment.

2 Q How did you allocate the money?

3 A Fifth Amendment.

4 Q Mr. Fuentes, I have a series of questions regarding the bitcoin transfer and
5 how you allocated and spent the money. Is it your intention to assert the Fifth
6 Amendment in response to all questions the committee has regarding the transfer and
7 the way the money was spent?

8 A Yes.

9 Q Thank you.

10 [REDACTED] Let me take a pause here before I move on to the next set of
11 questions and see if any of my colleagues or any members who are present have
12 questions.

13 Okay.

14

BY [REDACTED]

15 Q Hearing none, Mr. Fuentes, can you describe your relationship with Patrick
16 Casey?

17 A Fifth Amendment.

18 Q Was or is Mr. Casey an officeholder in any organizations you lead or led?

19 A Fifth Amendment.

20 Q Did he have a role in any of the America First Political Action Conferences?

21 A Fifth Amendment.

22 Q Mr. Fuentes, I have a series of questions about your relationship with Patrick
23 Casey. Is it your intention to assert the Fifth Amendment in response to all questions
24 the committee has about that subject?

25 A Yes.

1 Q Can you describe your relationship with Ali Alexander?

2 A Fifth Amendment.

3 Q Was or is Mr. Alexander an officeholder in any organizations you lead?

4 A Fifth Amendment.

5 Q Did you have an official relationship with Mr. Alexander's organization Stop
6 the Steal, LLC?

7 A Fifth Amendment.

8 Q Did Mr. Alexander invite you to speak at Stop the Steal rallies in November
9 and December 2020?

10 A Fifth Amendment.

11 Q Mr. Fuentes, I have a series of questions regarding your relationship with
12 Mr. Alexander. Is it your intention to assert the Fifth Amendment in response to all
13 questions the committee has on that subject?

14 A Yes.

15 Q Can you describe your relationship with Alex Jones?

16 A Fifth Amendment.

17 Q Has Mr. Jones been involved in any formal way with any of your
18 organizations?

19 A Fifth Amendment.

20 Q Do you have a business relationship with Mr. Jones?

21 A Fifth Amendment.

22 Q Mr. Fuentes, I have a series of questions related to your relationship with
23 Mr. Jones. Is it your intention to assert the Fifth Amendment in response to all
24 questions the committee has on that subject?

25 A Yes.

1 Q Mr. Fuentes, I have a series of questions regarding your relationship with the
2 following individuals. Is it your intent -- I'll name them and then ask is it your intention
3 to assert the Fifth Amendment regarding your relationship with these individuals.

4 Roger Stone?

5 A Yes, Fifth Amendment.

6 Q Brandon Straka?

7 A Yes.

8 Q Kylie Kremer?

9 A Yes.

10 Q Amy Kremer?

11 A Yes.

12 Q Michael Flynn?

13 A Yes.

14 Q Thank you, Mr. Fuentes.

15 During the period before the 2020 election, were you in direct contact with any
16 people employed by the Trump 2020 campaign?

17 A Fifth Amendment.

18 Q Were you in direct contact with anyone at the Trump White House?

19 A Fifth Amendment.

20 Q Were you in direct contact with anyone in the Trump family?

21 A Fifth Amendment.

22 Q During the period between the 2020 election and January 6th, 2021, were
23 you in direct contact with anyone employed by the Trump 2020 campaign or the Trump
24 White House or members of the Trump family?

25 A Fifth Amendment.

1 Q Since January 6th, 2021, have you been in direct contact with anyone
2 formerly employed by the Trump White House or members of the Trump family?

3 A Fifth Amendment.

4 Q During the period before the 2020 election, were you in direct contact with
5 any Federal elected officials, including Members of Congress?

6 A Fifth Amendment.

7 Q To your knowledge, were any of your associates, including Patrick Casey,
8 Jaden McNeil, or Michelle Malkin, in touch with any Federal elected officials during this
9 period?

10 A Fifth Amendment.

11 Q Mr. Fuentes, I have the same set of questions for the period between the
12 2020 election and January 6th, 2021. Is it your intention to assert the Fifth Amendment
13 in response to those questions?

14 A Yes.

15 Q Since January 6th, 2021, have you been in direct contact with any Federal
16 elected officials, including Members of Congress?

17 A Fifth Amendment.

18 Q To your knowledge, were any of your associates in touch with any Federal
19 elected officials during this time?

20 A Fifth Amendment.

21 [REDACTED] I'll pause there and see if any of my colleagues or any members
22 who are on have questions.

23 Okay.

24

BY [REDACTED]

25 Q Mr. Fuentes, what's your perception of the Proud Boys?

1 A Fifth Amendment.

2 Q Do you have a relationship with the organization or any leaders of the Proud
3 Boys?

4 A Fifth Amendment.

5 Q Did you know their chairman, Enrique Tarrio?

6 A Fifth Amendment.

7 Q Mr. Fuentes, I have a series of questions related to your relationship, if any,
8 with the Proud Boys or any of its leaders. Is it your intention to assert the Fifth
9 Amendment in --

10 [Audio interruption.]

11 Q Mr. Fuentes?

12 A Yeah, you cut out there for a second.

13 Q I'll restate it. My apologies.

14 Mr. Fuentes, I have a series of questions related to your relationship, if any, with
15 the Proud Boys and any of its leaders. Is it your intention to assert the Fifth Amendment
16 to all questions the committee may have on that subject?

17 A Yes.

18 Q Mr. Fuentes, I have a set of questions related to your relationship, if any,
19 with the Oath Keepers and any of its leaders. Is it your intention to assert the Fifth
20 Amendment in response to all questions the committee may have on that subject?

21 A Yes.

22 Q Mr. Fuentes, are you familiar with groups that are affiliated with the Three
23 Percent movement?

24 A Fifth Amendment.

25 Q Are you familiar with the American Phoenix Project or any of its leaders?

1 A Fifth Amendment.

2 Q Are you familiar with the Georgia 11% Martyrs?

3 A Fifth Amendment.

4 Q Are you familiar with the Three Percent Security Force?

5 A Fifth Amendment.

6 Q Mr. Fuentes, I'm going to read a list of names, and I'm going to ask whether
7 it's your intention to assert the Fifth Amendment in response to questions about your
8 relationship with the people I name, and you can just say yes or no.

9 Ryan Kelley?

10 A Yes.

11 Q Eric Braden?

12 A Yes.

13 Q Jeremy Liggett?

14 A Yes.

15 Q David Kuntz?

16 A Yes.

17 Q Jared Sisco?

18 A Yes.

19 Q And, Mr. Fuentes, I have a series of questions about your relationship, if any,
20 with the organization 1st Amendment Praetorian or any of its leaders or office holders.
21 Is it your intention to raise the Fifth Amendment in response to all questions the
22 committee may have on that subject?

23 A Yes.

24 Q Thank you.

25  I'll pause there and see if any of my colleagues or any members

1 have questions.

2 Okay.

3

4 Q Hearing none, Mr. Fuentes, are you familiar with the protests against COVID
5 lockdown measures in spring 2020?

6 A Fifth Amendment.

7 Q Mr. Fuentes, I'm just asking if you're familiar with the fact that those
8 happened.

9 A Fifth Amendment actually.

10 [REDACTED] Mr. Durkin, I'm not sure I understand the scope of the assertion
11 here if -- I'm asking whether Mr. Fuentes was aware of things that happened in reality.

12 Mr. Durkin. Well, first of all, the answer is obvious that, you know, everyone is
13 aware of that, everyone that can read and has a brain.

14 It's the same issue, [REDACTED], and I'd rather not debate it. It's -- you know,
15 theoretically, that might be a link to some -- I don't know. You just listed a number of
16 organizations. I don't know whether they're involved in anti-vaxxing or anything else,
17 but I don't think he has to admit to anything that would provide a link in the chain of
18 prosecution. I'll stand on that.

19 [REDACTED] Okay. Thanks, Mr. Durkin.

20 Mr. Durkin. And if I could -- and I'm not a civil lawyer, so I don't know exactly all
21 the rules of depositions, but, you know, I just don't understand the relevance of that
22 question to the committee, as to whether he would -- I would assume that they would
23 know that he would be aware that there are people who take the position about
24 anti-vaxxing.

25 So, if I have to object on those grounds, I will, but I don't want to get into that,

1 because I'll get in over my head.

2 [REDACTED] Well, Mr. Durkin, I was asking a broad question to set the stage
3 for more specific questions. I'd just ask --

4 Mr. Durkin. That's what I thought.

5 [REDACTED] -- that if Mr. Fuentes is going to assert the Fifth Amendment, that
6 he does listen to each question and answer with "Fifth Amendment" if appropriate or
7 provide an answer.

8 Mr. Durkin. That's fine.

9

BY [REDACTED]

10 Q Mr. Fuentes, did you participate in any of those COVID lockdown protests?

11 A Fifth Amendment.

12 Q Did you organize any of them?

13 A Fifth Amendment.

14 Q Did you encourage anyone else to go to those protests?

15 A Fifth Amendment.

16 Q Mr. Fuentes, I'm going to assert that over the summer there were protests
17 and counter-protests following the killing of George Floyd and Breonna Taylor across the
18 country. I'm not going to ask whether you were aware of those protests or
19 counter-protests, but did you participate in any of them?

20 A Fifth Amendment.

21 Q Did you organize any protests or counter-protests during that time?

22 A Fifth Amendment.

23 Q Did you encourage others to go to those protests or counter-protests?

24 A Fifth Amendment.

25 Q Okay.

1 Moving ahead in time, Mr. Fuentes, ahead of the election, were you concerned
2 about issues related to voter fraud?

3 A Fifth Amendment.

4 Q If you had concerns, did you think that they were centered in particular
5 areas?

6 A Fifth Amendment.

7 Q Did you take any action based off of any concerns that you might have had?

8 A Fifth Amendment.

9 Q Did you organize any poll-watching efforts?

10 A Fifth Amendment.

11 Q Do you believe the 2020 election was stolen from then-President Donald
12 Trump?

13 A Fifth Amendment.

14 Q Mr. Fuentes, after the election, you traveled around the country to attend
15 Stop the Steal events, as we understand it. When did you get connected with Stop the
16 Steal?

17 A Fifth Amendment.

18 Q Did you know Ali Alexander beforehand?

19 A Fifth Amendment.

20 Q Did you know any other individuals affiliated with Stop the Steal?

21 A Fifth Amendment.

22 Q Mr. Fuentes, I have a series of general questions related to your involvement
23 in rallies in November and December 2020 before I get into specific questions. But is it
24 your intention to assert the Fifth Amendment in response to broad questions regarding
25 your attendance or participation in rallies in November and December 2020?

1 A Yes.

2 Q Okay. Well, I'd still like to ask about some specific events.

3 On November 10th, 2020, you went to a rally at the Wisconsin State Capitol in
4 Madison. I understand that you advertised the event on your Telegram the day before.
5 Mr. Fuentes, why did you want to go to Wisconsin specifically?

6 A Fifth Amendment.

7 Q What was your role at the event?

8 A Fifth Amendment.

9 Q Mr. Fuentes, I understand that the day afterwards you went to a rally at the
10 Michigan State Capitol in Lansing. Why did you want to go to Michigan specifically?

11 A Fifth Amendment.

12 Q What was your role at that event?

13 A Fifth Amendment.

14 Q Did you speak at that event?

15 A Fifth Amendment.

16 Q Mr. Fuentes, on November 14th, 2020, I understand you traveled to
17 Washington, D.C., for the Million MAGA March. Why was it important for you to be at
18 that event?

19 A Fifth Amendment.

20 Q Did you speak that day?

21 A Fifth Amendment.

22 Q What was your role at the event?

23 A Fifth Amendment.

24 Q Mr. Fuentes, between November 18th and 20th, 2020, you were at a series
25 of events in Atlanta, Georgia, as we understand it. Why was it important for you to

1 demonstrate in Georgia?

2 A Fifth Amendment.

3 Q What was your role at the events?

4 A Fifth Amendment.

5 Q Did you organize any of the events?

6 A Fifth Amendment.

7 Q Mr. Fuentes, I have a series of questions related to your involvement and
8 actions related to the November 18th through 20th rallies in Atlanta, Georgia. Is it your
9 intention to assert the Fifth Amendment in response to all questions the committee may
10 have on that subject?

11 A Yes.

12 Q Thank you.

13 Mr. Fuentes, we understand that on November 29th, 2020, you spoke at another
14 rally in Phoenix, Arizona. Why was it important for you to demonstrate in Arizona?

15 A Fifth Amendment.

16 Q What was your role at the event?

17 A Fifth Amendment.

18 Q Mr. Fuentes, I have a series of questions about your involvement with the
19 event in Arizona. Is it your intention to assert the Fifth Amendment in response to all
20 questions the committee may have on that subject?

21 A Yes.

22 Q Moving ahead to December, I understand that on December 6th, 2020, you
23 spoke at a rally in Harrisburg, Pennsylvania. Why was it important for you to be in
24 Pennsylvania?

25 A Fifth Amendment.

1 Q What was your role at the event?

2 A Fifth Amendment.

3 Q Mr. Fuentes, I have a series of questions related to that event in Harrisburg,
4 Pennsylvania. Is it your intention to assert the Fifth Amendment to all questions the
5 committee may have on that subject?

6 A Yes.

7 Q Thank you.

8 On December 12th, 2020, you attended events in D.C. and spoke to a crowd of
9 supporters, as we understand it. Why was it important for you to be in D.C. for those
10 events?

11 A Fifth Amendment.

12 Q Were you there as part of a specific rally or event?

13 A Fifth Amendment.

14 Q What was your role at the event?

15 A Fifth Amendment.

16 Q Mr. Fuentes, I have a series of questions related to your involvement and
17 actions related to the events in D.C. on December 12th, 2020. Is it your intention to
18 assert the Fifth Amendment in response to all questions the committee may have on that
19 subject?

20 A Yes.

21 Q Thank you.

22 Mr. Fuentes, on January 4th, 2021, you made a few comments on your livestream
23 that I'd like to ask you about.

24 [REDACTED] could we pull up exhibit No. 20?

25 [Video shown.]

1 [REDACTED] I'm not sure the audio came through on that.

2 Could others hear that?

3 The Witness. No.

4 [REDACTED] The audio on this video is fairly low. If folks could turn up their
5 volume. I just want to make sure if -- see if it's a matter of volume or if the audio is not
6 sharing. Let me try again.

7 Mr. Durkin. Where do we turn up the volume?

8 [REDACTED] Just the volume on your own computer.

9 Mr. Durkin. Oh. All right.

10 [REDACTED] Let me try it once more and see if anyone can hear it.

11 [Video shown.]

12 [REDACTED] Could anyone hear that at all?

13 Mr. Durkin. Yes.

14 The Witness. Yeah, I could hear it.

15 [REDACTED] Could the reporters hear that?

16 The Reporter. Yes.

17 [REDACTED] Thank you.

18 BY [REDACTED]

19 Q Mr. Fuentes, can you explain what you meant in that clip?

20 A Fifth Amendment.

21 Q Were you aware at that time that many State officials around the country
22 were receiving threats to their lives at that point?

23 A Fifth Amendment.

24 Q Do you think your rhetoric contributed to the violent threats that officials
25 were receiving?

1 A Fifth Amendment.

2 Q Do you regret your comments?

3 A Fifth Amendment.

4 Q Mr. Fuentes, you post pretty regularly on Telegram, but from
5 December 31st, 2020, to January 7th, 2021, there are no posts that are currently visible
6 on your Telegram page.

7 During the same period, Patrick Casey posted extensively, advertising the events
8 of January 5th and 6th and offering logistical details to his followers.

9 Did you post any similar content during that time?

10 A Fifth Amendment.

11 Q Did you repost any of Mr. Casey's content?

12 A Fifth Amendment.

13 Q Did you delete any posts on Telegram from that time period?

14 A Fifth Amendment.

15 Q Have you maintained any records of your deleted posts from that time
16 period?

17 A Fifth Amendment.

18 Q I apologize. Let me restate that. Have you maintained any records of
19 posts from that time period if you deleted any?

20 A Fifth Amendment.

21 Q Mr. Fuentes, moving ahead to January 5th, 2021, which events did you
22 attend on that day in Washington, D.C.?

23 A Fifth Amendment.

24 Q Did you livestream from any of the events on January 5th?

25 A Fifth Amendment.

1 Q Did you make any speeches in Washington, D.C.?

2 A Fifth Amendment.

3 Q Did you have any security with you at any point during that day?

4 A Fifth Amendment.

5 Q Mr. Fuentes, I have a series of questions related to your actions on
6 January 5th, 2021. Is it your intention to assert the Fifth Amendment in response to all
7 questions the committee may have on that subject?

8 A Yes.

9 Q Moving ahead to January 6th, 2021, did you make any speeches in
10 Washington, D.C., on January 6th?

11 A Fifth Amendment.

12 Q Did you livestream from any of the events or at any point during the day on
13 January 6th?

14 A Fifth Amendment.

15 Q Did you have security with you at any point that day?

16 A Fifth Amendment.

17 Q Mr. Fuentes, were you aware that there were individuals in the crowd who
18 identified as America First supporters or Groypers or your supporters?

19 A Fifth Amendment.

20 Q Were you coordinating with any of those individuals?

21 A Fifth Amendment.

22 Q Mr. Fuentes, did you enter the Capitol Building?

23 A Fifth Amendment.

24 Q Were you outside the Capitol Building?

25 A Fifth Amendment.

1 Q Did you make a speech outside the Capitol Building?

2 A Fifth Amendment.

3 Q Were you aware that people wearing America First-branded clothing or flags
4 were inside the Capitol?

5 A Fifth Amendment.

6 Q Did you see people on the scaffolding outside the Capitol Building waving an
7 America First flag?

8 A Fifth Amendment.

9 Q Were you aware that Baked Alaska was streaming from inside the Capitol?

10 A Fifth Amendment.

11 Q [REDACTED] can we bring up exhibit 9?

12 Mr. Fuentes, at 2:51 p.m. that day, you wrote, quote, "Glorious day," end quote,
13 on Twitter. What did you mean?

14 A Fifth Amendment.

15 Q Where were you at the time?

16 A Fifth Amendment.

17 Q What was your understanding of what was happening around the Capitol or
18 inside the Capitol at the time?

19 A Fifth Amendment.

20 Q [REDACTED] could we bring up exhibit 10?

21 Mr. Fuentes, this is a screenshot from a livestream that was shared on Twitter.
22 Some people have suggested that's you on the left and in the back inside the Capitol. Is
23 that you?

24 A Fifth Amendment.

25 Q Mr. Fuentes, I believe you've commented publicly claiming that that's not

1 you, so I'm trying to give you an opportunity to say on the record whether that's you or
2 not.

3 The Witness. Tom?

4 Mr. Durkin. Yeah.

5 The Witness. Fifth Amendment or should I answer?

6 Mr. Durkin. Oh, I mean, if you want to talk to me, we can talk, but --

7 [REDACTED] Would you like to take a break?

8 Mr. Durkin. Yes.

9 The Witness. No, it's -- yeah, okay, we could do it. Sure.

10 [REDACTED] Okay. We'll go off the record at 3:07 p.m.

11 [Discussion off the record.]

1

2 [3:08 p.m.]

3 [REDACTED] Let's go back on the record at 3:08.

4 Please go ahead.

5 Mr. Durkin. I represent to the committee that that is not Mr. Fuentes in that
6 picture.

7 [REDACTED] Thank you, Mr. Durkin.

8 BY [REDACTED]

9 Q Mr. Fuentes, you said earlier that -- well, you raised the Fifth Amendment in
10 response to my question of whether you entered the Capitol. Were you outside the
11 Capitol --

12 A Fifth Amendment.

13 Q -- on the Capitol Grounds? Okay.

14 Were you speaking to your supporters outside the Capitol?

15 A Fifth Amendment.

16 Q Were you communicating with any of the organizers or individuals
17 associated with Stop the Steal at this point?

18 A Fifth Amendment.

19 Q Mr. Fuentes, did you livestream from outside the Capitol on the Capitol
20 Grounds?

21 A Fifth Amendment.

22 Q How much money did you make off of your livestreams on January 6th?

23 A Fifth Amendment.

24 Q Mr. Fuentes, moving on to the next day, I would like to ask you about your
25 livestream on January 7th, 2021. Did you advise any people to hide their conduct on

1 January 6th?

2 A Fifth Amendment.

3 Q Did you suggest that you feel responsible for some of the events of
4 January 6th?

5 A Fifth Amendment.

6 Q Do you feel responsible?

7 A Fifth Amendment.

8 Q Mr. Fuentes, also on the same day -- [REDACTED] could you bring up
9 exhibit 14, please?

10 Mr. Fuentes, on January 7th, 2021, you tweeted, quote, "The Capitol siege was
11 fucking awesome and I'm not going to pretend it wasn't," end quote.

12 What was awesome about the Capitol siege?

13 A Fifth Amendment.

14 Q Was anyone asking you to pretend it wasn't?

15 A Fifth Amendment.

16 Q We can take the exhibit down. Thank you.

17 Mr. Fuentes, at the 2021 America First Political Action Conference in February
18 of 2021, you said the following: Quote, "While I was there in D.C. outside of the building
19 and I saw hundreds of thousands of patriots surrounding the U.S. Capitol Building and I
20 saw the police retreating" -- and you later said to yourself -- you later said, quote, "I said
21 to myself, this is awesome," end quote.

22 You went on to say, quote, "To see that Capitol under siege, to see the people of
23 this country rise up and mobilize to D.C. with the pitchforks and the torches, we need a
24 little bit more of that energy in the future," end quote.

25 What's the energy that you think we need in the future?

1 A Fifth Amendment.

2 Q Did Patrick Casey distance himself from you at that time?

3 A Fifth Amendment.

4 Q Mr. Fuentes, have you been interviewed by the FBI or any other Federal law
5 enforcement officials in connection with January 6th?

6 A Fifth Amendment.

7 [REDACTED] Mr. Durkin, I'm not sure I understand.

8 Mr. Durkin. Well, I'm not sure I understand the basis of the question either. I
9 mean, if you know something I don't know -- as far as I know, he hasn't been, but I'm not
10 following the --

11 [REDACTED] Well, thank you, Mr. Durkin. You just provided an answer to the
12 question. I didn't understand the assertion of the Fifth Amendment in response to that
13 question. But you confirmed that he has not been interviewed by Federal law
14 enforcement in connection with January 6th. Is that correct?

15 Mr. Durkin. As far as I know, I believe -- can we talk? Can I speak to him?

16 [REDACTED] Yes. My -- well, and I think --

17 Mr. Durkin. I think I -- go ahead. I'm sorry.

18 [REDACTED] Can I preview my next question?

19 Mr. Durkin. Sure.

20 [REDACTED] And you may want to discuss that as well.

21 Mr. Fuentes, have you turned over any records or devices to Federal law
22 enforcement in connection with January 6th or since January 6th, 2021?

23 And if you would like to take a minute to discuss, we can go off the record at
24 3:13 p.m.

25 Mr. Durkin. Thank you.

1 [Discussion off the record.]

2 [REDACTED] Okay. We'll go back on the record at 3:15 p.m.

3 Mr. Durkin. [REDACTED] I can represent that he has, to his knowledge, not
4 been interviewed by any law enforcement, Federal law enforcement or any law
5 enforcement, or turned over any of his devices or anything else.

6 So, unless somebody was in his house under 2333 or whatever or the intelligence
7 community is more clever than I think, as far as I know, the answer is no to that. But
8 that's my representation.

9 [REDACTED] Well, we'll take that answer. Thanks, Mr. Durkin.

10 BY [REDACTED]

11 Q Mr. Fuentes, Patrick Casey around February 2021 suggested that he believed
12 that the FBI was attempting to infiltrate your movement. Did you have the same
13 concerns?

14 A Fifth Amendment.

15 Q Did you see any evidence of law enforcement infiltration in your movement
16 or at your events?

17 A Fifth Amendment.

18 Q Okay.

19 [REDACTED] Let me pause there and see if any of my colleagues or any
20 members who are on have questions.

21 Okay.

22 BY [REDACTED]

23 Q Hearing none, Mr. Fuentes, I would like to take a step back and zoom out
24 from January 6th for a little bit.

25 You decided to become an activist at a young age. Can you tell me about why?

1 A Fifth Amendment.

2 Q Mr. Fuentes, what does America First mean to you?

3 A Fifth Amendment.

4 Q What do you hope it means to other people?

5 A Fifth Amendment.

6 Q You attended the Unite the Right rally in Charlottesville in 2017, correct?

7 A Fifth Amendment.

8 Q Okay.

9 A What are you doing here? I mean, that's, you know, 5 years ago.

10 [REDACTED] Mr. Durkin, I'm not sure I understand the scope of the assertion
11 there, but I'm not going to belabor that point.

12 Mr. Durkin. Well, I could explain it if you want, but I don't think it's worth
13 belaboring either. Obviously, there could be a connection between people involved in
14 that and January 6th, you know.

15 BY [REDACTED]

16 Q Mr. Fuentes, what, in your opinion, are the biggest threats facing American
17 society today?

18 A Fifth Amendment.

19 Q What does the "Great Replacement" theory or idea mean to you?

20 A Fifth Amendment.

21 Q What do you think the American people should do about it?

22 A Fifth Amendment.

23 Q What do you want the government to do about it?

24 A Fifth Amendment.

25 Q You've been critical of the Republican Party. Why is that?

1 A Fifth Amendment.

2 Q Did Trump get things right that the Republican Party didn't?

3 A Fifth Amendment.

4 Q Mr. Fuentes, is violence against the government ever justified?

5 A Fifth Amendment.

6 Q What do you think of the Trump Presidency?

7 A Fifth Amendment.

8 Q Do you think your goals are aligned with Donald Trump's?

9 A Fifth Amendment.

10 Q Are there particular things that Donald Trump did or said that might've
11 sparked your support for him?

12 A Fifth Amendment.

13 Q Are there other politicians you support?

14 A Fifth Amendment.

15 Q Can you talk to me about your media sources, what kind of media you
16 consume?

17 A Fifth Amendment.

18 [REDACTED] Mr. Fuentes, let me just pause there and see if any of my
19 colleagues have questions.

20 And I would like to note for the record, I apologize I didn't notice that our
21 colleague [REDACTED], a professional staff member, joined the meeting.

22 Mr. Fuentes, Mr. Durkin, we are reaching the conclusion. We have not quite
23 finished yet. But I would like to just take a 5-minute break to consult with my colleagues
24 to see if there are any loose ends that need to be tied up. And then we can return for
25 the last set of questions.

1 Mr. Durkin. Yep. That's fine.

2 [REDACTED] Great. So it is 3:20 p.m. We'll go off the record, and let's plan
3 to come back around 3:25. Thank you.

4 Mr. Durkin. Thank you.

5 [Recess.]

6 [REDACTED] We'll go back on the record at 3:26 p.m.

7 I believe my colleague [REDACTED] has some questions that she'd like to ask.

8 [REDACTED] Yes.

9 Thank you, Mr. Fuentes, for your time today. I really appreciate it.

10 And, Mr. Durkin, thank you for your time as well. And I know you've
11 corresponded a lot with my colleague here, and I appreciate that, that investment in what
12 the committee is doing here.

13 Mr. Fuentes, I just had a few questions for you, and I'm guessing, based on your
14 answers we've had so far, this will go pretty quickly, so just bear with me.

15 BY [REDACTED]

16 Q The first one is, who is currently the duly elected President of the United
17 States?

18 A Fifth Amendment.

19 Q Do you believe women should have the right to vote?

20 A Fifth Amendment.

21 Q Should gay people have full and equal protection under the laws of the
22 United States?

23 A Fifth Amendment.

24 Q Do you believe in the superiority of the White race?

25 A Fifth Amendment.

1 Q Do you oppose mixed marriage?

2 A Fifth Amendment.

3 Q Do you think America was better under Jim Crow segregation?

4 A Fifth Amendment.

5 Q Is America worse off as the percentage of White people in the country
6 decreases?

7 A Fifth Amendment.

8 Q Do you believe that White people are under attack in this country?

9 A Fifth Amendment.

10 Q So, Mr. Fuentes, I know you already declined to answer these questions
11 earlier, but you are a quite popular and prolific social media influencer. My
12 understanding is that you make your living off of that and collect most, if not all, of your
13 money from that.

14 And my understanding is that you've espoused most, if not all, of these beliefs
15 that I just put forth and that you have worked very hard to convince a large number of
16 people to agree with you on that and made money off of them.

17 And I am a little surprised, quite frankly, that when given the chance to stand
18 behind those beliefs on the record in an official proceeding that you have chosen not to
19 do so.

20 And I'm just curious what you think the people who have followed you and
21 donated money to you and who have taken actions on your behalf or at your direction
22 would feel about you not owning up to any of these beliefs when you had a chance.

23 Mr. Durkin. [REDACTED], I'd like to interject --

24 [REDACTED] I'm sorry. One quick thing. [REDACTED] when other people
25 are speaking, do you mind turning yourself on mute?

1 [REDACTED] Sure.

2 Mr. Durkin. [REDACTED], respectfully, I'm going to object to that whole line of
3 questioning on First Amendment grounds as well. I don't think that's appropriate.

4 Mr. Fuentes may well have views that are unpopular. I think that's of record.
5 But I don't think he should have to take this opportunity to defend his beliefs or do
6 anything about his beliefs whatsoever, or his followers.

7 And I just think that's kind of a bit of grandstanding, if you don't mind me saying
8 that. I don't mean that disrespectfully, but I just don't think that's an appropriate
9 question for the committee.

10 [REDACTED] I certainly understand your position on that, Mr. Durkin. I will
11 note the irony of an accusation of grandstanding in a deposition of Mr. Fuentes.

12 But I will say, I don't quite understand the First Amendment objection here.
13 We're not looking to punish him for his beliefs at all. I'm trying to understand what he
14 believes and whether or not he genuinely holds those beliefs.

15 And given how ardently he has put them forth and how hard he has worked to
16 monetize and to convince people of that belief, I'm just a little surprised that he wouldn't
17 take the opportunity here today to stand by those.

18 But I understand your objection for the record, so I don't think we have to go any
19 further on that. I'll leave it there and turn it back to [REDACTED]. Thank you for your
20 time.

21 Mr. Durkin. Thank you.

22 [REDACTED] Thanks, [REDACTED]

23 Okay. We're reaching the end of the deposition, and I want to take a pause and
24 see if any other colleagues or, if any members are on, if they would like to ask any
25 questions.

1 Before I conclude, I'd just like to close the loop on a couple of things.

2 One, Mr. Durkin, at the beginning, you asked about getting access to the record of
3 the deposition. The committee won't make the video recording available, but you'll
4 have access to review the transcript. And we can correspond offline about how to go
5 about doing that.

6 And with regard to some of the questions that I raised today about document
7 production, I'd like to follow up with you soon about getting access to the videos that
8 Mr. Fuentes has on his website that are behind a paywall and getting those produced to
9 the committee as soon as possible.

10 And, lastly, I was hoping, Mr. Fuentes or Mr. Durkin, if you could just walk us
11 through the process that, Mr. Fuentes, you've gone through to assess whether you have
12 any responsive documents to the committee's document request?

13 Mr. Durkin. I think that you and I can work that out. We so far -- you know, are
14 we still on the record?

15 [REDACTED] Yes.

16 Mr. Durkin. And what's the question? What have we done?

17 [REDACTED] Yes. I just wanted an overview of the process by which you've
18 determined whether there are no responsive records in some cases. I know you've
19 raised privileges in response to some of the items, and I'm not --

20 Mr. Durkin. Yeah. No, I spoke --

21 [REDACTED] -- I'm not challenging that.

22 Mr. Durkin. -- I spoke to him yesterday. I have an issue I want to discuss with
23 you offline or off the record on these chats. It's more of a burden problem than
24 anything else that maybe we can accommodate. It's just becoming a bigger project than
25 he thought, and I'm not quite sure how to handle it, because I'm not, frankly,

1 sophisticated enough to -- what I'm getting at is, there may be a way that I could find an
2 expert or something that might be able to gather that information easier than he can.
3 It's becoming more burdensome than he expected -- which I'm happy to report I
4 predicted he would have a problem with when I heard what the task was going to be to
5 do it, like, individual screenshots.

6 With respect to the financial records, as I discussed with you over his traveling
7 expenses and so forth, I think I have a way of breaking that down to you that we can get it
8 to you in a manageable format.

9 [REDACTED] Great. And I'm happy to continue the discussion offline.
10 You've been very professional throughout all this, and I just want to acknowledge that
11 you've been -- your efforts to meet the committee's deadlines have been appreciated.

12 I also just want to state for the record that the committee has not received any
13 production thus far from Mr. Fuentes. And I'm not talking about the set of items for
14 which you've raised privilege. Setting those aside.

15 So, given the committee's pace of investigation, I just want to emphasize how
16 important it is that we -- to the extent that there are responsive documents and to the
17 extent that you're not raising privilege on those documents, that the committee get those
18 as soon as possible. But we can have that conversation.

19 Mr. Durkin. I agree. I agree.

20 [REDACTED] Great.

21 Mr. Durkin. The other problem, I might add, is that, unfortunately, Mr. Rascia's
22 mother passed away last night, and so he's been very distracted, as you can imagine, for
23 the last week or two. So it's been -- and that's why he was not here today. He was not
24 trying to be disrespectful, but she just passed away last night.

25 [REDACTED] Completely understood. I'm very sorry to hear that, and please

1 pass our condolences on to Mr. Rascia.

2 Mr. Durkin. Thank you.

3 [REDACTED] Okay.

4 So I'm going to kind of state boilerplate language that is the committee's general
5 approach when a witness has raised the Fifth Amendment in response to certain
6 questions.

7 Because Mr. Fuentes has asserted the Fifth Amendment as a basis to answer some
8 of the select committee's questions today, we will not close the record on the deposition
9 because the select committee has to determine the appropriate course of action moving
10 forward on those objections.

11 Mr. Durkin and your colleagues Ms. Dratel and Mr. Athenson and Mr. Fuentes,
12 thank you for your time today.

13 Last call for additional questions?

14 Hearing none, the deposition will stand in recess, subject to the call of the chair.

15 Mr. Durkin. Thank you.

16 [Whereupon, at 3:36 p.m., the deposition was recessed, subject to the call of the
17 chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date